



# MICHIGAN SELF-INSURERS' ASSOCIATION

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**Gerald M. Marcinkoski**  
Executive Secretary

**Board of Managers**

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**City of Grand Rapids**  
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**Consumers Energy Company**  
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**DaimlerChrysler Corporation**  
Neil D. Levins

**DTE Energy**  
Randall Rutkofske

**General Motors Corporation**  
Susan R. Azar

**Michigan Health & Hospital  
Association**  
Janet Kransz

**Alticor, Inc.**  
Steve Ohman

**Marathon Oil Company**  
Barbara Parker

**The Pepsi Bottling Group**  
Amy Maharaj

**Tecumseh Products**  
Randall Krichbaum

**Sherriff-Goslin Company**  
William Ticknor

**MINUTES OF BOARD OF MANAGERS' MEETING**

January 13, 2006  
Holiday Inn North Campus  
Ann Arbor, Michigan

**Present:**

AZAR, S., General Motors Corporation  
CALILLE, A., SBC  
CHILD, L., Varnum Consulting  
COMMET, J., ThyssenKrupp Budd Company  
CYRULNIK, S., Trinity Health  
GALLOWAY, P., Wayne State University  
HEALY, M., Little Caesar Enterprises, Inc.  
KRANSZ, J., Michigan Health & Hospital Association  
MAHAN, S., City of Grand Rapids  
OHMAN, S., Alticor, Inc.  
PARKER, B., Marathon Oil  
WRIGHT, D., Consumers Energy Company

**Guests:**

HANNA, T., MCSIGA  
TICKNOR, B., Sherriff-Goslin Company

**Not Present:**

LEVINS, N., DaimlerChrysler Corporation  
PARKER, J., Ford Motor Company  
RUTKOFKSKE, R., DTE Energy

**Chairperson's Council:**

ZURVALEC, DAVID., Michigan Manufacturer's Association  
SUSSER, DANIELLE

The meeting was called to order at 11:50 a.m. by Ms. Child. The following Agenda was discussed:

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### AGENDA

1. Tim Hanna – Discussion of HB 5292
2. Minutes of Board of Managers' Prior Meeting
3. Treasurer's Reports
4. Nominating Committee Report
5. Technology Committee Report
6. Funds Trustees Report
7. Amicus Curiae Report
8. Health Care Committee Report
9. 2005 Fall Conference Final Report
10. 2006 Spring Conference Report
11. Old Business
  - a. Event Organizer
  - b. MSIA "D & O" coverage
  - c. Other Business
12. New Business
  - a. Magistrate Appointments?
  - b. New Director of WC Agency
  - c. HB 5292
  - d. 2006 Fall Conference contract
  - e. Attendance at Board meetings via telephone
  - f. Other New Business

**Discussion of House Bill 5292** - Tim Hanna advised the Board relative to House Bill #5292. The bill has already unanimously passed the Michigan House. The bills make changes to the Michigan Property and Casualty Guaranty Association. The concern is that these changes may have an affect on the ability of group self-insured funds as well as individual self-insured's to recoup money from the MPCGA. The legislation appears to state that if an excess insurance carrier were to go out of business, the underlying self-insured or group self-insured would have to exhaust its assets and liabilities to pay a claim before liability would reach MPCGA.

On the motion of Ms. Azar seconded by Mr. Ohman, the Board agreed that it would contact the State Senate and ask that consideration of the bill be delayed until it can be studied further as to how it might impact self-insured's.

The **Minutes** of the previous board meeting were approved upon the motion of Ms. Kransz, seconded by Ms. Cryrlnik.

The **Treasurer's Report** was approved upon the motion of Mr. Healy, seconded by Mr. Wright. Ms. Mahan reported that the taxes have been prepared for the last fiscal year. Additionally, the first and second dues notices have been sent out. There was some discussion that money would be moved from the savings account into a certificate of deposit.

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The **Nominating Committee** was presented by Mr. Calille. The Committee recommended that Sherriff-Goslin Company fill the existing vacancy on the Board of Managers. Mr. Bill Ticknor was at the meeting on behalf of Sherriff-Goslin. A vote by the Board on filling the vacancy will be scheduled. The second vice chair position remains unfilled.

The **Technology Committee Report** was submitted by Ms. Child. She reported that the web site is doing well. Information relative to the Spring Conference is already posted. The web site received several immediate hits relative to information made available about the Workers' Compensation Agency. About 5 to 7 inquiries per week are being received requesting information about the organization.

A discussion was held relative to using the web site to allow people looking for jobs to post their resumes and to allow companies with openings to post them. The inclination seemed to be towards allowing openings to be posted by member organizations, but not allowing job seekers to post resumes.

The **Funds Trustees Report** was submitted by Ms. Child. The Board of Trustees is still one member short, and it is believed the vacancy will be filled by the middle of February. The Trustees are watching the Delphi situation very closely. Claims relative to National Steel are being settled, though there are still many, many, claims pending.

The **Amicus Report** was submitted by Mr. Calille. There have been no additional requests for any Amicus support. Oral argument was held in the *Donoho v Wal-mart* case relative to attorney fees on unpaid medical. The organization did file an *amicus* brief in that case.

The **Health Care Committee Report** was submitted by Ms. Azar. She noted that following public hearing the medical fee schedule's conversion factor was kept at 1.5%, not doubled to 3% as had been discussed. Ms. Azar also noted that in the preceding week discussions were held with a representative from a health care provider with national experience. Based upon his experience he felt that Michigan is fine.

The **Fall Conference Report** was delivered by Ms. Galloway. There were 225 registered guests, and 42 vendors, which was full capacity. There was one complaint about the loading area by a vendor. Overall, everyone liked the St. Johns Conference Center.

The **Spring Committee Report** was given by Mr. Child. The theme of the conference is Land of the Lost. The hope is to explore some of the esoteric areas of workers' compensation. The conference will open with the Wednesday night reception on May 31, 2006.

In light of some feedback from last year's attendees, the conference will not have a keynote speaker, but there will be more of an emphasis on breakout sections. There is going to be a mock deposition, a magistrate panel, discussions regarding pain addiction, absenteeism, a fitness program, and treatment procedures. There will be a mock trial Thursday afternoon as well as the golf outing. The tentative plan is for Friday morning to have the additional speakers, and to again play workers' compensation jeopardy.

Under **Old Business**, the use of an event organizer was again discussed. Planning the Fall and Spring conferences are becoming bigger and bigger, more difficult for board members to do on their own, and

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with, perhaps, less support from the member companies. The Spring Conference committee is well along the way and no event organizer is needed now. There was discussion about approaching Denise Pretzer as acting as a planner for the Fall Conference and see how that works. The position would not be paid.

Also discussed was the issue of directors and officers insurance coverage for Board members. Mr. Healy reported that, essentially, D & O coverage is for wrongful acts that do not result in either a personal injury or property damage. Mr. Zurvalec noted that it is the trend for an organization such as MSIA to have such coverage. It is generally inexpensive. Mr. Healy is to get a quote on a policy and report back to the Board.

Under **New Business** the new magistrates were announced. Magistrates Zettel, Guyton, and Baril were appointed to 4 year terms. The Executive Secretary has learned since the meeting that Magistrate Wierzbicki has not been reappointed to his own term, but rather to the term of another magistrate for only one year. Magistrate Michael Harris was appointed to fill the term of Magistrate Michael Thiele, who left to become a Circuit Court Judge. New magistrates included Beatrice Logan, Victor McCoy, Kenneth Burch, Gary Goolsby, and Jan Leventer. All of the magistrates, except Mr. McCoy, have practiced law in the past on behalf of plaintiffs.

It was also noted that former Chief Magistrate Jack Nolish had been appointed to the director's position in the place of Mr. Craig Peterson. Magistrate Gorchow is now the acting Chief Magistrate.

It was also discussed that, due to time constraints, the contract for the 2006 Fall Conference has already been signed with St. Johns' Conference Center for October 25-26 of 2006. The deposit has been paid. We were able to book a bigger room.

Other new business was brought up by Ms. Parker. She indicated that Marathon Oil has indicated to her that it would provide a call in phone line if she could, at times, attend meetings via telephone. It was expressed that this could be a good method to allow people who could not attend an entire meeting to attend at least a part of it via telephone. Ms. Child was going to review the by-laws to determine what exactly it means to be "present" at a meeting. She was also going to check with the hotel to make certain that the telephone facilities were available.

On the motion of Ms. Parker, seconded by Ms. Azar, the meeting adjourned at 4:25 p.m.

Respectfully submitted

**Michael T. Reinholm**

Michael T. Reinholm  
On behalf of the Executive Secretary